

Message Text

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ORIGIN DLOS-09

INFO OCT-01 ARA-10 EUR-12 ISO-00 FEA-01 ACDA-07
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
COME-00 DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00
L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01
PM-05 PRS-01 SP-02 SS-15 USIA-06 /135 R

DRAFTED BY D/LOS:G TAFT:LS
APPROVED BY D/LOS:F S M HODSOLL
S/AR:A JAMES
ARA-LA/CAR:G DE SANTILLANA
EB/OA/AVP:J GRAVATT
L/OES:B OXMAN
OES/OFA/OCA:J BROWN
INR/RGE:R SMITH

-----109083 120108Z /73

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FM SECSTATE WASHDC
TO AMEMBASSY PORT AU PRINCE
INFO AMCONSUL MONTREAL

C O N F I D E N T I A L STATE 189893

MONTREAL FOR US REP ICAO

E.O. 11652: GDS

TAGS: PLOS, HA

SUBJECT: LOS: HAITIAN ESTABLISHMENT OF 200-MILE ECONOMIC
ZONE

1. THE HAITIAN DECLARATION OF A 200-MILE ECONOMIC ZONE OF
APRIL 6, 1977, IS VAGUE IN CERTAIN KEY RESPECTS AND CAUSES
DEPARTMENT CERTAIN CONCERN. IN PARTICULAR, IT REAFFIRMS
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HAITIAN SOVEREIGNTY OVER THE WATERS OFFSHORE AND OF THE
AIRSPACE ABOVE ITS TERRITORY AND ABOVE ITS JURISDICTIONAL
WATERS UP TO THE BOUNDARIES ESTABLISHED. PRESUMABLY, THIS
REFERS TO THE FULL EXTENT OF THE 200-MILE ECONOMIC ZONE.
THE DECLARATION IS SILENT, HOWEVER, ON NAVIGATION AND OVER-
FLIGHT.

2. WHILE THE UNITED STATES ASSERTS JURISDICTION OVER COASTAL FISHERIES RESOURCES WITHIN A 200-MILE FISHING ZONE, WE DO NOT RPT NOT ASSERT SOVEREIGNTY OVER THE WATERS AND THE AIRSPACE THEREABOVE BEYOND THE TERRITORIAL SEA OUT TO 200 MILES. IT IS THE VIEW OF THE UNITED STATES THAT ALL NATIONS ENJOY COMPLETE FREEDOM OF NAVIGATION AND OVERFLIGHT AND RELATED FREEDOMS BEYOND A NARROW TERRITORIAL SEA AND THAT ANY UNILATERAL ATTEMPT TO ELIMINATE OR QUALIFY THESE FREEDOMS IS A VIOLATION OF INTERNATIONAL LAW AND CANNOT BE IMPOSED UPON THE VESSELS OR AIRCRAFT OF ANOTHER STATE. THE TRADITIONAL POSITION OF THE UNITED STATES IS THAT THE MAXIMUM PERMISSIBLE BREADTH OF TERRITORIAL SEA IS THREE NAUTICAL MILES; WE ADHERE TO THIS POSITION PENDING GENERAL AGREEMENT ON A 12-MILE LIMIT, FREE PASSAGE OF STRAITS AND OTHER MATTERS IN A NEW LAW OF THE SEA TREATY. THE WORK OF THE LAW OF THE SEA CONFERENCE CLEARLY DEMONSTRATES OVERWHELMING SUPPORT FOR A TREATY THAT WOULD CONTAIN A MAXIMUM TERRITORIAL SEA OF 12 MILES, FREE TRANSIT OF STRAITS, AND FULL PRESERVATION OF FREEDOMS OF NAVIGATION AND OVERFLIGHT BEYOND THE TERRITORIAL SEA. THE ECONOMIC ZONE CONCEPT UNDER CONSIDERATION AT THE CONFERENCE RECOGNIZES BROAD COASTAL STATE AUTHORITY OVER RESOURCES IN SUCH A ZONE. THUS, IT IS WIDELY RECOGNIZED THAT THE INTERNATIONAL COMMUNITY INTEREST IN NAVIGATION AND OVERFLIGHT IS TO THE BENEFIT OF ALL STATES, AND IS COMPATIBLE WITH THE COASTAL STATES' INTERESTS IN RESOURCES OFFSHORE.

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3. THE BRITISH EMBASSY HAS INDICATED TO US CONCERN ABOUT THE HAITIAN DECLARATION IN PARTICULAR BECAUSE IT APPEARS TO LAY CLAIM TO OUTRIGHT JURISDICTION BY HAITI OVER THE AIRSPACE OVER THE WHOLE OF THE ZONE. THEY EXPRESSED CONCERN ABOUT THE IMPLICATIONS FOR CIVIL AVIATION OVER ECONOMIC ZONE.

4. ACTION REQUESTED: EMBASSY IS REQUESTED TO BRING TO THE ATTENTION OF APPROPRIATE GOH OFFICIALS THE US QTE ASSUMPTION UNQTE THAT THEIR ECONOMIC ZONE CLAIM ONLY APPLIES TO RESOURCES AND DOES NOT RPT NOT PURPORT TO UNILATERALLY INTERFERE WITH FREEDOM OF NAVIGATION AND OVERFLIGHT AND SIMILAR FREEDOMS IN THE AREA EXTENDING 200 MILES OFFSHORE. EMBASSY SHOULD DRAW UPON POINTS PARA 2 ABOVE. THIS APPROACH TO GOH IS FOR THE PURPOSE OF CLARIFYING THE INTENT OF THEIR DECLARATION AND TO NUDGE THEM INTO TAKING A POSITION CONSISTENT WITH THAT OUTLINED ABOVE, PREFERABLY BY AMENDING THEIR LAW, BUT PERHAPS BY A CIRCULAR NOTE, OR BY PUBLIC POLICY STATEMENT. IF GOH AMENABLE TO APPROACH, DEPARTMENT COULD PROVIDE FURTHER GUIDANCE FOR LANGUAGE TO BE USED BY THEM. DEPARTMENT WILL

CONSIDER NEED FOR FORMAL NOTE IN LIGHT GOH RESPONSE. CHRISTOPHER

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